

REMARKS

This application has been reviewed in light of the Office Action dated July 13, 2007. Claims 1, 6 and 16-24 are presented for examination, of which Claims 1, 6 and 24 are in independent form. Claims 2-5 and 7-15 have been canceled, without prejudice or disclaimer of subject matter. Claims 1 and 6 have been amended to define still more clearly what Applicant regards as his invention. Claims 16-24 have been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested. The canceled claims will not be further addressed herein.

A Claim to Priority and certified copies of the priority documents for this application were filed by hand delivery on April 16, 2004. While the Office Action acknowledges the claim for priority in paragraph 12 and partially acknowledges receipt of the priority document, it appears that the subparagraph (a) of paragraph 12 was inadvertently left unchecked. Applicant respectfully requests that the Examiner check paragraph 12(a) to complete the acknowledgment of priority and receipt of the priority document.

Claims 6 has been rejected under 35 U.S.C. §101 on the ground that the claimed invention is directed to non-statutory subject matter. Apparently, the Examiner takes the position that Claim 6 is direct to a software program, *per se*. Applicant strongly disagrees. Claim 6 clearly is directed to an information processing apparatus, not to a computer program *per se*. Indeed, there is no mention of a computer program in Claim 6 at all. Further, MPEP § 2106.01 makes clear that the fact that a data process recited in an apparatus claim may be implemented in part by software does not make the claim non-statutory:

“Computer programs are often recited as part of a claim. USPTO personnel

should determine whether the computer program is being claimed as part as an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim....Only when the claimed invention taken as a whole is directed to mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory.

See MPEP 2106.01 I. Thus, Applicant respectfully submits that Claim 6 is statutory and requests withdrawal of this rejection.

Claims 1 and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. 2003/0072023 (Tanaka).

As shown above, Applicant has amended independent Claims 1 and 6 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims and newly added independent Claim 24, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a data processing method which is executed in an information processing apparatus for performing a data process based on delivery data transmitted from an external information processing apparatus. The method includes: (1) a reception step of receiving the delivery data transmitted from the external information processing apparatus; (2) an activation step of activating a program corresponding to the delivery data received in the reception step; (3) a judgment step of judging whether or not first data is included in the delivery data, by analyzing the delivery data received in the reception step; (4) an issuance step of issuing an event notification indicating that the first data is included, in a case where it is judged in the judgment step that the first data is included in the delivery data; (5) a second

judgment step of judging whether or not a process corresponding to the event notification has been registered in the program activated in the activation step; and (6) an execution step of executing, in a case where it is judged in the second judgment step that the process corresponding to the event notification has been registered in the activated program, the process to be executed by the program activated in the activation step and corresponding to the event notification issued in the issuance step.

Among other notable features of Claim 1 are: (1) an activation step of activating a program corresponding to the delivery data received in the reception step; (2) a second judgment step of judging whether or not a process corresponding to the event notification has been registered in the program activated in the activation step; and (3) an execution step of executing, in a case where it is judged in the second judgment step that the process corresponding to the event notification has been registered in the activated program, the process to be executed by the program activated in the activation step and corresponding to the event notification issued in the issuance step. By virtue of the structure recited in Claim 1, it is possible to easily customize the data process to be executed by the information processing apparatus, for example, an operation of an application program already installed in the information processing apparatus.

Tanaka relates to a key operation monitoring method for monitoring key operations of an image forming apparatus that performs user services relating to image formation such as printing, copying or sending documents. In Tanaka, the image forming apparatus is equipped with a key monitor 117 for monitoring key operations from an operation panel and obtaining the monitored operation as key event information. A data determining processing part 304 of the key monitor 117 analyzes received data and causes any one of a data reproducing part

306, a data printing part 307 and a data storing part 308 to perform a process. However, Applicant has found nothing in Tanaka that would teach or suggest “an activation step of activating a program corresponding to the delivery data received in said reception step,” “a second judgment step of judging whether or not a process corresponding to the event notification has been registered in the program activated in said activation step” or “an execution step of executing, in a case where it is judged in said second judgment step that the process corresponding to the event notification has been registered in the activated program, the process to be executed by the program activated in said activation step and corresponding to the event notification issued in said issuance step,” a recited in Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claims 6 and 24 are apparatus and medium claims, respectively, corresponding to method Claim 1, and are believed to be patentable over Tanaka for at least the same reasons as discussed above in connection with Claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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